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REMARKS

Claims 1-35 are pending in the present application. In the above amendments, claims 1, 16 and 28 have been amended.

Applicant respectfully responds to this Office Action.

Claim Rejections – 35 USC § 102

Claims 1, 16, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Bracamonte, et al. (Bracamonte) "Adaptive Block-Size Transform Coding For Image Compression".

To further clarify aspect of the invention, claims 1, 16 and 28 are amended to better clarify the invention. Support for the amendments is found in paragraph [0063].

Under 35 USC 102(b), a rejection is proper if Examiner uses a single reference that teaches or enables each of the claimed elements arranged as in the claim, expressly or inherently, as interpreted by one of ordinary skill in the art.

Amended claim 1 recites among other elements, "*evaluating one or more values within the 8x8 block to determine the most efficient scheme of serializing; serializing each of the four 8x8 blocks of data according to the determined scheme*" (emphasis added). This recitation is neither disclosed nor taught by the Bracamonte reference. Therefore, in view of the amendments, 102(b) rejection would not be proper.

Amended claim 16 recites among other elements, "*means for evaluating one or more values within the 8x8 block to determine the most efficient scheme of serializing; means for serializing each of the four 8x8 blocks of data according to the determined scheme*" (emphasis added). This recitation is neither disclosed nor taught by the Bracamonte reference. Therefore, in view of the amendments, 102(b) rejection would not be proper.

Amended claim 28 recites among other elements, "*a evaluator configured to evaluate one or more values within the 8x8 block to determine the most efficient scheme of serializing; a serializer configured to serialize each of the four 8x8 blocks of data according to the determined scheme*" (emphasis added). This recitation is neither disclosed nor taught by the Bracamonte reference. In view of the amendments, 102(b) rejection would not be proper. Therefore, claim 1, 16 and 28 are believed to be in condition of allowance.

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Claims 1-35 are rejected under 35 U.S.C. 102(a) as being anticipated by Thyagarajan, et al. (WO 0135673).

Independent claims 1, 16 and 28 have been amended as discussed above.

Under 35 USC 102(a), a rejection is proper if Examiner uses a single reference that teaches or enables each of the claimed elements arranged as in the claim, expressly or inherently, as interpreted by one of ordinary skill in the art. Also according to MPEP, "it is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to reply." M.P.B.P. Eighth Edition Incorporating Revision No. 1, 706.02(j), p. 700-45.

Claim 8 recites among other elements, "scaling the frequency domain representations into a stream of data, wherein the act of scaling is *based on a quality metric correlating with the quality of the image*" (emphasis added). The Examiner relies on description provided on page 12, line 1-29 of the Thyagarajan reference for rejection under 35 U.S.C. 102(a). This recitation is not disclosed or nor clearly shown by the Thyagarajan reference relied upon by the Examiner. One of ordinary skilled in the art could not interpret this recitation using the reference provided because the reference generally discloses the quantization of DCT coefficients and method of frequency weighting masks not the recitation of claim 8 (and related claims 23 and 35) of this application. Therefore, 102(a) rejection would be not proper.

Additionally, an applicant may overcome a reference used for 35 U.S.C. 102(a), by submitting an affidavit under 37 CFR 1.132, where the subject matter relied upon by Examiner was invented by the inventor of this application.

In order to unequivocally state that the subject matter relied upon by the Examiner was invented by Thyagarajan, Kadayam, who is also an inventor of this application; the applicant needs to clearly identify subject matter relied upon by the Examiner. Therefore, applicant respectfully request the removal of the rejection based on discussion above, or clearly identify the subject matter relied upon.

Remaining dependent claims

Dependent claims 2-7 depend from independent claim 1, dependent claims 9-15 depend from independent 8, dependent claims 17-22 depend from independent 16, dependent claims 24-27 depend from independent 23 and dependent claims 29-34 depend from independent 28. All

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the independent claims are believed to be in condition of allowance, therefore the respective dependent claims are also believed to be in condition of allowance.

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REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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